

# SOCIALISTS' COUNSEL URGES NEW ELECTION

## Block Asks the Governor to Issue Special Call to Fill Five Vacant Seats.

## OUSTED MEN TO RUN AGAIN

### Two Bills Are Offered in Assembly to Cause Outlawing of Socialist Party.

S. John Block, one of the attorneys for the five ousted Socialist Assemblymen and New York State Chairman of the Socialist Party, sent a special delivery letter yesterday to Governor Smith, urging him to call immediately a special election to fill the seats of the expelled Assemblymen. In the event of a special election being called the expelled members of the Assembly will again be candidates.

Mr. Block's letter says in part:

"On the legislative day of March 31, 1920, which was continued through the night and without adjournment into the forenoon of April 1, 1920, the Assembly of the State of New York adopted a resolution expelling from the Assembly the five duly elected and qualified Socialist members of that body, Louis Waldman of the Eighth Assembly District of New York County, Charles Solomon of the Twenty-third Assembly District of Kings County, Samuel A. De Witt of the Third Assembly District of Bronx County and Samuel Orr of the Fourth Assembly District of Bronx County.

"Since that date the five Assembly districts have been wholly deprived of representation in that body, in violation of the fundamental American constitutional principle of democratic representative government.

"The Constitution of the State of New York directs that the Legislature shall provide for filling vacancies in office, and the Election law provides that upon the occurrence of a vacancy in any elective office which cannot be filled by appointment for a period extending to or beyond the next general election at which a person may be elected thereto, the Governor may in his discretion make proclamation of a special election to fill such office. The office of member of the Assembly is an elective office which cannot be filled by such appointment.

"Inasmuch as the five Socialist Assemblymen were expelled on the legislative day of March 31, the vacancies in their offices occurred before the first day of April, and you have the right under the law to issue a proclamation calling for a special election to fill the vacant offices. If for any reason you should decide not to call such special elections upon the ground that the vacancies were created before the first day of April, I urge you in the public interest to call a special session of the Legislature to meet after the adjournment of the present session, and in connection with the calling of such special session you have the power under Section 292 of the Election law to make a proclamation calling for special elections to fill the five seats in the Assembly which have been made vacant by the expulsion of the five Socialist members.

"In the election in November, 1919, about 70,000 votes were cast in the five districts affected, and it is quite safe to estimate that the total population of those five districts is at least 300,000. These persons have the constitutional right to be represented in both Houses of the Legislature at all times. Unless a special election shall be called by you, they will remain without representation in the Assembly until the month of January, 1921."

### Bills Offered to Have Socialists Outlawed

*Special to The New York Times.*

ALBANY, April 7.—If the Socialist Party is to be outlawed at the polls, it will be as the result of a judicial determination rather than by legislative act, under the terms of two bills which were introduced today, in the Senate by President Pro Tem. J. Henry Walters, and in the Assembly by George R. Fearon of Onondaga.

One of the ouster bills would require the Attorney General to seek through the Appellate Division of the Supreme Court, in the Third Department (Capital District), a decision upon the question of whether the principles, doctrines and policies of the Socialist Party, if applied, "would destroy, subvert or endanger the Government of the State and nation."

The second bill, an amendment to the Public Officers' act, provides that in the event of a decision upholding the affirmative answer to that question, embodied in the majority report of the Assembly Judiciary Committee in the proceedings to unseat the Socialist Assemblymen, persons subscribing to the doctrines of the Socialist Party of America, not only would be debarred from running for office, but Socialists already holding elective or appointive office would be subject to ouster proceedings, which the Attorney General would be required to bring under the provisions of the bill.

Speaker Sweet, in outlining the provisions of the bill, said:

"It is purposed to exclude a member of a political organization which, as determined by the Supreme Court under the Election law, supports, advocates, maintains or declares for principles, doctrines or policies which, if carried into effect, would tend to destroy, subvert or endanger the existing governments of the United States or of the State of New York and the rights, privileges and institutions secured under the Constitutions thereof, from the right to hold any civil office of the State or of any municipal corporation or political subdivision thereof.

"It is further provided that any person who advocates, supports or is committed to the principles, doctrines or policies of a political organization which has thus been declared to be opposed to existing governmental institutions shall not be eligible to hold any civil office within the State. Where a person has been elected or appointed to any office of the State or of a municipal corporation, and agrees with the members or representatives of any political organization to perform the duties or exercise the powers of such office in contravention of the Constitution or the laws of New York or of the United States, or agrees with the political organization that he will resign his office upon the request of such organization or any member or representative thereor, or who agrees to perform his duties or exercise the powers of his office in accordance with the directions of such organization, or agrees to carry out the directions or be controlled by any organization which he is a member of, shall upon the making of such agreement forfeit his office."

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